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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,927	03/17/2000	Woodson C. Lewis	DN 3564	3926

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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/527,927

Applicant(s)  
Lewis

Examiner  
Alexander Kalinowski

Art Unit  
3626



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 6, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **DETAILED ACTION**

1. Claims 1-25 are presented for examination. Applicant filed a continuing prosecution application on 3/11/2002 and a petition to revive the abandoned application. The request for reviving the application was granted on 6/6/2002. Furthermore, Applicant filed a preliminary amendment adding claims 21-25. In light of Applicant's affidavit, the Examiner withdraws the rejection of claims 1-10 based on 35 USC 102 and 35 USC 103. However, new grounds of rejection of claims 1-25 are established in the instant office action as set forth in detail below.

### ***Response to Amendment***

2. The affidavit filed on 3/11/2002 under 37 CFR 1.131 is sufficient to overcome the Ticketmaster reference.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by DeLorme et al., WO

98/35311 (hereinafter DeLorme).

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As to claim Claims 1, 2, 3, 5, and 6, DeLorme discloses an electronic ticketing and validation system whereby online ticket buyers download and print their own ticket(i.e. digital computer ... constructed for printing a hard-copy map/ticket)(page 15, lines 10-18 and page 18, lines 12-15). The ticket buyers access the Internet and buy tickets on-line (see page 21, lines 23-30). After downloading the ticket, buyers print the tickets from their computers (see page 13, lines 19-28). To redeem the ticket at the event, a bar code scanner is used at the gate to read a portion of the ticket (e.g. bar code, unique numerical code) and validate the ticket prior to allowing the buyer admission to the event (see page 13, lines 19-28). Furthermore, a user can access the system using a hand held computer device (i.e. PDA)(page 23, lines 25-30)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme as described above with regard to claim 1 and further in view of the attached web page timeline distributed by the Uniform Code Council, Inc. depicting ID Numbers and Bar Codes over the years (hereinafter referred to as "UCC Timeline").

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With regard to claim 4, DeLorme discloses the use of a computer with which to access, pay, and generate the ticket (see rejection of claim 1 above).

DeLorme does not explicitly disclose

the use of a universal product code as the unique identifier with which to validate the ticket.

However, the UCC Timeline shows that Universal Product Code has been the industry standard to identify and validate products since 1973. It is further well known in the art of product identification and validation that Universal Product Codes (UPC) are used to validate a wide array of items from supermarket stock to printed matter to Patent Application file wrappers at the United States Patent and Trademark Office. One skilled in the art would have been motivated to use the UPC since it is the most widely known and employed standard for data capture and automated identification (see page 1, paragraph 1) and the widest array of printing and reading equipment is available to recognize these codes (see page 3, January 1997 heading). Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to incorporate a UPC as the unique identifier code in the DeLorme system for the motivation stated above.

7. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme as described above with regard to claim 1 and further in view of the attached web page timeline distributed by the Washington Metropolitan Area Transit Authority depicting use of farecards and other highlights in their twenty-five year history (hereinafter referred to as "Metro").

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As to claims 7 and 8, DeLorme teaches the use of a computer with which to access, pay, and generate the ticket (see claim 1 above).

DeLorme does not explicitly disclose

the use of a paper ticket with a magnetic strip having a code encoded thereon.

However, Metro discloses the use of paper tickets with similar strips containing coded information encoded thereon. An example of these types of tickets is found in the Washington Metropolitan Area Transit Authority (Metro) system. The farecard system used in the Metro utilizes a paper card with fare information stored on a magnetic strip (see page 1, farecard bullet). These farecards have been used by Metro since 1977 (see Metro Timeline, July 1, 1977). One skilled in the art would be motivated to use the paper tickets with a magnetic strip encoded to ensure proper entry and to prevent multiple use of the ticket. The magnetic media is viable alternative to the UPC or barcode systems. Further motivation would be to employ the use of automatic turnstile systems that can read the magnetic strip and allow entry/egress without physical human intervention. This would expedite the entry/egress process. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to incorporate a paper ticket with a magnetic strip having a coded encoded therein as a means of admission in the DeLorme system for the motivation stated above.

12. Claims 9 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme as described above with regard to claim 1 and further in view of the attached web page

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timeline of press releases distributed by the TeamCard depicting use of smart cards for season tickets to sporting events (hereinafter referred to as "TeamCard").

As to claims 9 and 17, DeLorme teaches the use of a computer with which to access, pay, and generate the ticket (see claim 1 above).

DeLorme does not explicitly disclose

the use of a season pass to gain entrance to particular events.

However, TeamCard teaches the use of smart card technology to replace the traditional season ticket booklet. The card itself becomes the season ticket (see page 1, season ticket replacement heading). The TeamCard was introduced in October 1997 (see TeamCard timeline) and has space on the card for co-branding, event, and sponsorship information (see page 2, season ticket replacement heading). One skilled in the art would be motivated to use the smart card season tickets as a substitute for paper tickets to reduce ticketing costs, ensure security, and expedite entry and egress into the event forum. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to incorporate a smart card season ticket as described by TeamCard in the DeLorme system for the motivation stated above.

Claim 10 is substantially similar to claim 3 with a season pass replacing the individual event ticket and is rejected for similar reasons.

Claim 11 is substantially similar to claims 3 and 6 with a season pass replacing the individual event ticket is rejected for similar reasons.

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Claim 12 is substantially similar to claim 7 with a season pass replacing the individual event ticket and is rejected for similar reasons.

Claim 13 is substantially similar to claim 8 with a season pass replacing the individual event ticket and is rejected for similar reasons.

Claim 14 is substantially similar to claims 3 and 10 and is rejected for similar reasons.

Claim 15 is substantially similar to claims 8 and 13 and is rejected for similar reasons.

Claim 16 is substantially similar to claims 8, 13, and 15 and is rejected for similar reasons.

Claims 18 and 19 are substantially similar to claim 1 in method form and are rejected for similar reasons.

Claim 20 is substantially similar to claim 9 in method form and is rejected for similar reasons.

8. Claims 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Goldstein et al., Pat. No. 6,216,227 (hereinafter Goldstein).

As to claim 21, DeLorme discloses an electronic ticketing and validation system whereby online ticket buyers download their own electronic ticket (i.e. digital computer ... ticket)(page 15, lines 10-18 and page 18, lines 12-15). The ticket buyers access the Internet and buy tickets on-line (see page 21, lines 23-30). Ticket buyers access the system using a wireless device (i.e. PDA)(page 23, lines 25-30).

DeLorme does not explicitly disclose



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a validation system for receiving the ticket signal from the wireless device used in order to gain entrance to the event, the validation system capable of validating the ticket signal to determine if entrance to the event should be allowed.

However, Goldstein discloses a validation system for receiving the ticket signal from the wireless device used in order to gain entrance to the event, the validation system capable of validating the ticket signal to determine if entrance to the event should be allowed (col. 3, lines 8-17 and lines 58-62). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a validation system for receiving the ticket signal from the wireless device used in order to gain entrance to the event, the validation system capable of validating the ticket signal to determine if entrance to the event should be allowed as disclosed by Goldstein within the DeLorme system for the motivation of replacing known disadvantages of using paper based ticketing systems such as mutilation and/or theft of paper tickets (col. 1, lines 28-40 and lines 58-66).

As to claim 24, DeLorme and Goldstein do not explicitly disclose that the ticket signal transmitted by the wireless device is an infrared signal.

However, the Examiner takes official notice that it was well known in the electronic arts to transmit information via infrared signals. The motivation for using infrared signals is to use well known communications means found in off the shelf hardware (e.g. PDA) in order to reduce the overall cost of the system. It would have been obvious to one of ordinary skill in the art at the

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time of Applicant's invention to include the ticket signal transmitted by the wireless device is an infrared signal within DeLorme and Goldstein for the motivation stated above.

As to claim 25, DeLorme does not explicitly disclose that the ticket signal transmitted by the wireless device is an audio signal. However, DeLorme and Goldstein each disclose that the wireless device is a PDA. PDA's can communicate information via audio signals (see Microsoft Press Computer Dictionary, Second edition, page 296). Therefore, since Goldstein discloses transmitting a ticket signal from the wireless device to the validating device where the wireless device is a PDA,

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Goldstein as applied to claim 21 above, and further in view of Sehr, Pat. No. 6,386,451.

As to claim 22, DeLorme discloses a screen on the wireless device that can display the ticket signal (Fig 5D and page 29, lines 7-17).

DeLorme and Goldstein do not explicitly disclose  
a screen on the wireless computer device displaying the ticket signal to the validation system.

However, Sehr discloses a screen on the wireless computer device displaying the ticket signal to the validation system (col. 6, lines 22-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a screen on the wireless computer device displaying the ticket signal to the validation system as disclosed by Sehr within the DeLorme and Goldstein combination for the motivation of improving productivity and

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reducing administrative costs associated with reservations/ticketing as compared to paper based systems (col. 2, lines 9-15).

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Goldstein, and Sehr as applied to claim 22 above, and further in view of UCC Timeline.

As to claim 23, the claim is substantially similar to claim 4 and is rejected for the same reasons.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Pat. No. 5,781,723 discloses a portable information device communicating with a computing unit.

b. Pat. No. 6,473,790 discloses a mobile apparatus that stores ticket information.

c. Pat. No. 6,233,166 discloses an electronic ticketing system for purchasing tickets at a remote user station.

d. Pat. No. 6,223,166 discloses a electronic ticketing system that enables a user to print out a paper ticket at a remote user station.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The

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examiner can normally be reached on Monday to Thursday from 6:30 AM to 4:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Patent Examiner

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March 3, 2003

## Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at [www.uspto.gov](http://www.uspto.gov) or call the Office of Patent Legal Administration at (703) 305-1622.